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International Court of Justice

H3560 – 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 2 August 1948

I certify that Document Number TC-72-17 was introduced into evidence as Exhibit Number GB-39 in the Trial by the International Tribunal of Hermann GOERING, et. al., which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

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H3560 - 0003

C E R T I F I C A T E

I hereby certify that the annexed document TC-72-14 No. GB-39 is a photostat of an original document submitted in evidence by the British Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the OCCWC Evidence Library, Palace of Justice, Nuremberg

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military Tribunal

Nuremberg, 28 July 1948

[4.]

TC 72

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
GB Exhibit 39
Filed Aug 1945

Miscellaneous No. 9 (1939)

DOCUMENTS

CONCERNING

GERMAN-POLISH RELATIONS

AND THE

OUTBREAK OF HOSTILITIES BETWEEN GREAT BRITAIN AND GERMANY ON SEPTEMBER 3, 1939

Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty

B 043283

LONDON
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
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1939

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H3560 – 0004

H3560 – 0005

GB-34

Anglo-Polish Agreement.

No. 17.

Statement by the Prime Minister in the House of Commons on March 31, 1939.

The Prime Minister (Mr. Chamberlain): The right hon. gentleman the leader of the Opposition asked me this morning whether I could make a statement as to the European situation. As I said this morning, His Majesty's Government have no official confirmation of the rumours of any projected attack on Poland and they must not, therefore, be taken as accepting them as true.

I am glad to take this opportunity of stating again the general policy of His Majesty's Government. They have constantly advocated the adjustment, by way of free negotiation between the parties concerned, of any differences that may arise between them. They consider that this is the natural and proper course where differences exist. In their opinion there should be no question incapable of solution by peaceful means, and they would see no justification for the substitution of force or threats of force for the method of negotiation.

As the House is aware, certain consultations are now proceeding with other Governments. In order to make perfectly clear the position of His Majesty's Government in the meantime before those consultations are concluded, I now have to inform the House that during that period, in the event of any action which clearly threatened Polish independence, and which the Polish Government accordingly considered it vital to resist with their national forces, His Majesty's Government would feel themselves bound at once to lend the Polish Government all support in their power. They have given the Polish Government an assurance to this effect.

I may add that the French Government have authorised me to make it plain that they stand in the same position in this matter as do His Majesty's Government.

H3560-0005A

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GB-39

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TC72

INTERNATIONAL MILITARY TRIBUNAL
NUREMBERG, GERMANY
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H3560 – 0006

army was ready and eager for battle," would not answer at once whether he would negotiate directly with Poland (No. 75, pp. 128–131).

On the 29th August the Prime Minister once more explained in the House of Commons the British standpoint (No. 77, pp. 131–135).

Interview of August 29 between Sir N. Henderson and Herr Hitler, and German demand for the arrival of a Polish representative in Berlin by August 30.

At 7·15 P.M. on the 29th August Sir N. Henderson received from Herr Hitler the German answer that the German Government was prepared to accept the British proposal for direct German-Polish negotiations, but counted on the arrival of a Polish plenipotentiary by the 30th August (No. 78, pp. 135–137). The British Ambassador remarked that the latter demand "sounded like an ultimatum," but, after some heated remarks, both Herr Hitler and Herr von Ribbentrop assured the Ambassador "that it was only intended to stress the urgency of the moment" (No. 79, p. 138). The interview was "of a stormy character." Sir N. Henderson thought that Herr Hitler was "far less reasonable" than on the 28th August (No. 80, pp. 138–139).

At 4 A.M. on the 30th August Sir N. Henderson, on instructions from His Majesty's Government, informed the German Government that it would be "unreasonable to expect the British Government to produce a Polish representative in Berlin" by the 30th August, and that "the German Government must not expect this" (Nos. 81 and 82, pp. 139–140).

Exchange of correspondence between His Majesty's Government and the Polish Government on August 30.

Sir H. Kennard also reported his opinion that the Polish Government could not be induced to send a representative immediately to Berlin to discuss a settlement on the basis proposed by Herr Hitler. "They would certainly sooner fight and perish rather than submit to such humiliation, especially after the examples of Czecho-Slovakia, Lithuania and Austria" (No. 84, pp. 140–141). On this same day the Polish Government gave their assurance, in reply to advice from Viscount Halifax, to avoid any kind of provocation (No. 85, p. 141), that they had no intention of provoking any incidents, in spite of the provocation at Danzig, which was becoming "more and more intolerable" (No. 86, p. 141).

Exchange of correspondence between the British and German Governments with regard to the opening of direct German-Polish negotiations (August 30).

At 2·45 P.M. and again at 5·30 P.M. on the 30th August His Majesty's Government instructed Sir N. Henderson to inform the

H3560 – 0007

H3560 – 0008

German Government of the representations which the British Government had made in Warsaw for the avoidance of all frontier incidents and urged the German Government to reciprocate (Nos. 83 and 87, pp. 140 and 142). They repeated at 6·50 P.M., in view of the German insistence on the point, that it was "wholly unreasonable" for the German Government to insist upon the arrival in Berlin of a Polish representative with full powers to receive German proposals, and that they could not advise the Polish Government in this sense. They suggested the normal procedure of giving the Polish Ambassador the German proposals for transmission to Warsaw (No. 88, p. 142).

At midnight on the 30th–31st August Sir N. Henderson handed to Herr von Ribbentrop the full British reply to the German letter of the 29th August (No. 78, pp. 135–137). The reply noted the German Government's acceptance of the British proposal for direct German-Polish discussions, and of the "position of His Majesty's Government as to Poland's vital interests and independence." The reply also noted that the German Government accepted "in principle the condition that any settlement should be made the subject of an international guarantee." His Majesty's Government stated that they were informing the Polish Government of the German Government's reply. "The method of contact and arrangements for discussions must obviously be agreed with all urgency between the German and Polish Governments, but in His Majesty's Government's view it would be impracticable to establish contact so early as to-day (*i.e.*, the 30th August) (No. 89, pp. 142–143).

The British reply was also telegraphed to the Polish Government, and Viscount Halifax hoped that "provided the method and general arrangement for discussions can be satisfactorily agreed," the Polish Government, which had authorised His Majesty's Government to say that they were prepared to enter into direct discussions, would be ready to do so without delay (No. 90, pp. 144–145).

In his interview at midnight the 30th–31st August with Herr von Ribbentrop, Sir N. Henderson suggested that the German Government should adopt the normal procedure of making contact with the Polish Government, *i.e.*, that when the German proposals were ready the Polish Ambassador should be invited to call and to receive these proposals "for transmission to his Government with a view to the immediate opening of negotiations."

"Herr von Ribbentrop's reply was to produce a lengthy document which he read out in German aloud at top-speed." When His Majesty's Ambassador asked for the text of the proposals in the document, he was told that it was "now too late," as a Polish representative had not arrived in Berlin by midnight (the 30–31st August). Sir N. Henderson described this procedure as an "ultimatum," in spite of the assurances previously given by the German Government. He asked why Herr von Ribbentrop could not adopt the normal procedure, give him a copy of the proposals, and ask the Polish Ambassador to call on him (Herr von Ribbentrop)

to receive them. "In the most violent terms Herr von Ribbentrop said that he would never ask the Polish Ambassador to visit him," though he hinted that it might be different if the Polish Ambassador asked for an interview (No. 92, pp. 145–146).

Exchange of correspondence between the British and Polish Governments on August 31 with regard to direct negotiations.

On hearing of the reply of His Majesty's Government to the German Government (No. 89, pp. 142–143) on the subject of direct German-Polish negotiations, M. Beck said that he would do "everything possible to facilitate the efforts of His Majesty's Government." He promised the "considered reply of his Government" by midday on the 31st August (No. 93, pp. 146–147). Later on the 31st August Viscount Halifax advised the Polish Government immediately to instruct the Polish Ambassador in Berlin to say that he was ready to transmit to his Government any proposals made by the German Government so that they (the Polish Government) "may at once consider them and make suggestions for early discussions" (No. 95, p. 147).

At 6·30 P.M. on the 31st August Sir H. Kennard communicated to London the formal Polish confirmation of the readiness of the Polish Government to enter into direct discussions with the German Government on the basis proposed by Great Britain (No. 97, pp. 148–149). M. Beck said that "he would now instruct M. Lipski [Polish Ambassador in Berlin] to seek an interview either with the (German) Minister for Foreign Affairs or the State Secretary" in order to establish contact for the initiation of direct discussions, but that the Polish Ambassador would not be authorised to receive a document containing the German proposals, since, "in view of past experience, it might be accompanied by some sort of ultimatum." In M. Beck's view "it was essential that contact should be made, in the first instance," for the discussion of details "as to where, with whom, and on what basis negotiations should be commenced" (No. 96, p. 148).

German proposals for German-Polish settlement, presented to the British Ambassador in Berlin at 9·15 P.M. on August 31, and German invasion of Poland on September 1.

It was not until 9·15 P.M. on the 31st August that the German Government gave Sir N. Henderson a copy of their proposals, which had been read to him so rapidly by Herr von Ribbentrop on the previous night. The German Government stated that the note contained the sixteen points of their proposed settlement, but that, as the Polish plenipotentiary, with powers "not only to discuss but to conduct and conclude negotiations," had not arrived in Berlin, they regarded their proposals as "to all intents and purposes rejected" (No. 98, pp. 149–153). At 11 P.M. Viscount Halifax

H3560 – 0009

telephoned instructions to Sir N. Henderson to inform the German Government that the Polish Government were taking steps to establish contact with them through the Polish Ambassador in Berlin (No. 99, p. 153). At 9 P.M. British summer time the German Government had, however, broadcast their proposals together with the statement that they regarded them as having been rejected. They had, however, never been communicated to the Polish Government and all means of communication between the Polish Ambassador in Berlin and the Polish Government had been cut off.

As a final attempt to meet the German demands, Viscount Halifax telegraphed to Sir H. Kennard in the night of the 31st August–1st September his view that the Polish Ambassador in Berlin might receive a document for transmission to his Government and might say that "(*a*) if it contained anything like an ultimatum, the Polish Government would certainly be unable to discuss on such a basis; and (*b*) that, in any case, in the view of the Polish Government, questions as to the *venue* of the negotiations, the basis on which they should be held, and the persons to take part in them, must be discussed and decided between the two Governments" (No. 100, p. 154).

In answer to this telegram, Sir H. Kennard replied on the 1st September that M. Lipski "had already called on the German Foreign Minister at 6·30 P.M." on the 31st August. "In view of this fact, which was followed by the German invasion of Poland at dawn to-day (1st September), it was clearly useless for me to take the action suggested" (No. 101, p. 155).

These facts were announced to the House of Commons by the Prime Minister on the 1st September (No. 105, pp. 157–161). A further "explanatory note, upon the actual course of events," reprinted from White Paper (Misc. No. 8 (1939), Cmd. 6102) (No. 104, p. 156) should be read in connexion with Herr Hitler's version of events as given in his speech of the 1st September to the Reichstag (No. 106, pp. 161–166) and in his proclamation to the German army (No. 107, p. 166).

Reunion of Danzig with the Reich (September 1).

On the 1st September Herr Forster announced in a proclamation to the people of Danzig the reunion of Danzig with the Reich. He telegraphed an account of his action to Herr Hitler, who replied at once accepting the reunion and ratifying the so-called legal act by which it was brought about (No. 108, pp. 166–167).

Action taken by His Majesty's Government after the receipt of news of the German attack on Poland (September 1–3).

On the 1st September, after His Majesty's Government had received news of the German invasion of Poland, Viscount Halifax instructed Sir N. Henderson to inform the German Government that

H3560 – 0010

the Governments of the United Kingdom and France considered that the German action had "created conditions (viz., an aggressive act of force against Poland threatening the independence of Poland) which call for the implementation by the Governments of the United Kingdom and France of the undertaking to Poland to come to her assistance." Unless the German Government suspended all aggressive action against Poland, and promptly withdrew their forces from Polish territory, His Majesty's Government in the United Kingdom would "without hesitation fulfil their obligations to Poland." Sir N. Henderson was authorised to explain, if asked, that this communication was "in the nature of a warning," and was "not to be considered as an ultimatum," but Viscount Halifax added, for Sir N. Henderson's own information, that, "if the German reply is unsatisfactory, the next stage will be either an ultimatum with time-limit or an immediate declaration of war" (Nos. 109 and 110, p. 168).

On the night of the 1st–2nd September Sir N. Henderson reported that he had made the necessary communication to Herr von Ribbentrop at 9·30 P.M. and had asked for an immediate answer. Herr von Ribbentrop replied that he would submit the communication to Herr Hitler (No. 111, p. 169). Meanwhile, on the 1st September, the Polish Government announced to His Majesty's Government that, although the Polish Ambassador in Berlin had seen Herr von Ribbentrop at 6·30 P.M. on the 31st August, and had expressed the readiness of the Polish Government to enter into direct negotiations, Polish territory had been invaded, and the Polish Government had therefore been compelled to break off relations with Germany (No. 112, pp. 169–170) (see also Nos. 113 and 115, pp. 170–172). At 10·50 A.M. on the 1st September Viscount Halifax sent for the German Chargé d'Affaires in London, drew his attention to the reports which had reached His Majesty's Government about German action against Poland and informed him that these reports "created a very serious situation" (No. 114, p. 171).

The Prime Minister on the 2nd September made a statement in the House of Commons, in the course of which he said that no answer had been received to the message sent to the German Government on the 1st September, requesting the cessation of German aggression and the withdrawal of German troops from Poland. The Prime Minister also informed the House of proposals put forward by the Italian Government for a cessation of hostilities, but made it clear that His Majesty's Government could not take part in any conference unless German aggression ceased and German troops were withdrawn from Poland (No. 116, pp. 172–174). At 5 A.M. on the 3rd September Sir N. Henderson was instructed to ask for an interview at 9 A.M. with Herr von Ribbentrop and to inform him that, although His Majesty's Government had warned the German Government of the results which would follow if Germany did not suspend all aggressive action against Poland, no answer had been received from the German Government. His Majesty's Government therefore

H3560 – 0011

stated that unless satisfactory assurances were received from the German Government not later than 11 A.M. a state of war would exist between the United Kingdom and Germany (No. 118, p. 175).

At 11·20 A.M. on the 3rd September the German Government replied with a statement of their case, concluding with the suggestion that His Majesty's Government desired the destruction of the German people, and with the words " we shall answer any aggressive action on the part of England with the same weapons and in the same form " (No. 119, pp. 175–178). Shortly afterwards the Prime Minister announced in the House of Commons that Great Britain was at war with Germany (No. 120, pp. 178–179). This section of the documents concludes with Herr Hitler's proclamations of the 3rd September to the German people and to the German army (No. 121, pp. 179–181).

Attempts at mediation by other States.

The full text is given of the exchange of messages between the President of the United States of America and His Majesty the King of Italy (Nos. 122 and 123, pp. 181–182); the President of the United States of America and the President of Poland; and the messages of the President of the United States of America to Herr Hitler (Nos. 124–127, pp. 182–185); the broadcast appeal of the 23rd August by His Majesty the King of the Belgians in the name of the Heads of States of the Oslo Group of Powers and the replies (Nos. 128–133, pp. 185–188); the joint offer of mediation by His Majesty the King of the Belgians, and Her Majesty the Queen of the Netherlands and the replies (Nos. 134–138, pp. 188–190); the broadcast appeal of the 24th August by His Holiness the Pope with the reply of His Majesty's Government and telegrams describing a last peace attempt by the Pope on the 31st August, together with His Majesty's Government's reaction, are also given in full (Nos. 139–142, pp. 190–193).

A communiqué issued by the official Italian Stefani news agency on the 4th September recording the efforts made by the Italian Government to maintain peace is published as the last document in this chapter (No. 143, pp. 193–194).

The final Document (No. 144, pp. 194–195) is the Prime Minister's broadcast of the 4th September, 1939, to the German People.

H3560 – 0012

H3560 – 0013

List of Principal Persons mentioned in the Documents, showing their Official Positions.

UNITED KINGDOM.

Prime Minister	Mr. Neville Chamberlain.
Secretary of State for Foreign Affairs	Viscount Halifax.
Secretary of State for Foreign Affairs in 1914	Sir Edward Grey.
Secretary of State for Foreign Affairs in 1935	Sir Samuel Hoare.
Leader of His Majesty's Opposition	Mr. C. R. Atlee.
Polish Ambassador	Count Edward Raczyński.
German Ambassador	Herr von Dirksen.
German Chargé d'Affaires ...	Dr. Kordt.

FRANCE.

President of the Council	M. Daladier.

POLAND.

Polish Statesman	(The late) Marshal Pilsudski.
Polish Statesman and Inspector-General of Polish Army ...	Marshal Smigly-Rydz.
Minister for Foreign Affairs ...	M. Josef Beck.
Vice-Minister for Foreign Affairs	M. Arciszewski.
British Ambassador	Sir H. Kennard.
British Chargé d'Affaires	Mr. Norton.

DANZIG.

League of Nations High Commissioner	M. Burckhardt.
Polish Commissioner-General ...	M. Chodacki.
Nazi Gauleiter	Herr Forster.
President of Senate	Herr Greiser.
State Counsellor dealing with Foreign Relations	Dr. Boettcher.
British Consul-General	Mr. G. Shepherd.
Acting British Consul-General (from 10th July)	Mr. F. M. Shepherd.

H3560-0013A

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H3560 – 0014